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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ERIC COHEN and TOMAS BRODSKY

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Appeal 2008-5654  
Application 09/703,419  
Technology Center 2600

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Decided:<sup>1</sup> February 10, 2009

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Before JOSEPH F. RUGGIERO, ROBERT E. NAPPI,  
and MARC S. HOFF, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1, 4, 6, and 10 through 15.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

## INVENTION

The invention is directed towards a method and apparatus for automatically framing and tracking an object of interest. *See generally* Spec. 2:6-31. Claim 14 is representative of the invention and reproduced below:

14. An apparatus for automatically framing and tracking an object of interest, the apparatus comprising:

a hand-held processing device including PDA's, mobile telephones, palmtops, and portable computers, having at least one video camera integrated therein, the hand-held device further comprising a processor operative to continuously monitor the detection of relative movement between the hand-held device and the object of interest, due to movement of a user's hand holding said device, said processor being responsive to the detected relative movement for continuously solely electronically adjusting, without use of a motor, at least one setting of the camera so as to continuously maintain a desired framing of the object of interest within an image generated by the camera as a user manipulates the device, for providing a stable image.

## REFERENCES

|         |                 |  |
|---------|-----------------|--|
| Platte  | US 4,864,409    | Sep. 5, 1989                           |
| Vincent | US 6,195,122 B1 | Feb. 27, 2001<br>(filed Jan. 31, 1996) |

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<sup>2</sup> Claims 2, 3, 5, and 7-9 were previously canceled.

Saburi US 6,556,235 Apr. 29, 2003  
(filed May 15, 2000)

## REJECTIONS AT ISSUE

The Examiner rejected claims 1, 4, 6, 10, and 12 through 15 under 35 U.S.C. § 103(a) as being unpatentable over Platte in view of Saburi.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Platte in view of Saburi and further in view of Vincent.

## ISSUE

*Rejection of claims 1, 4, 6, 10, and 12 through 15 under 35 U.S.C. § 103(a)  
over Platte in view of Saburi.*

Appellants argue on pages 9 through 12 of the Appeal Brief that the Examiner’s rejection of claims 1, 4, 6, 10, and 12 through 15 under 35 U.S.C. § 103(a) as being unpatentable over Platte in view of Saburi is in error. We select independent claim 14 as representative of the group comprising claims 1, 4, 6, 10, and 12 through 15 since Appellants did not separately argue any of the claims with particularity. 37 C.F.R.

§ 41.37(c)(1)(vii). Appellants argue that neither reference teaches “detecting relative movement between the object and the camera and adjusting the camera setting in accordance with the detected movement to maintain a desired framing of the object.” App. Br. 11.

Thus, with respect to claims 1, 4, 6, 10, and 12 through 15, Appellants' contentions present us with the issue: have the Appellants shown the Examiner erred in finding Platte and Saburi teach detecting relative movement between the hand-held device and the object of interest within a displayed image generated by said camera and continuously

electronically adjusting the camera, without use of a motor, in response to the detected relative movement, so as to maintain the desired framing?

*Rejection of claim 11 under 35 U.S.C. § 103(a) over Platte in view of Saburi and further in view of Vincent.*

Appellants argue on pages 12 through 13 of the Appeal Brief that the Examiner's rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Platte in view of Saburi and further in view of Vincent is in error. Appellants' reason that the claim is allowable based on its dependency from claim 1. App. Br. 12-13.

Thus, Appellants' contentions present the same issues as presented with respect to claims 1, 4, 6, 10, and 12 through 15.

#### FINDINGS OF FACT

1. Platte discloses a television camera that corrects for sudden movements, through the use of an acceleration correction device, in order to prevent blurring. Platte, Abstract.
2. In order to correct for sudden movements, "a section of an image is reproduced on a target 1 by the objective lens of the camera." Platte, col. 2, ll. 14-15 and Fig. 1A.
3. The desired field 2 is scanned line by line at a starting point S. Platte, col. 2, ll. 17-20 and Fig. 1A.
4. "In FIG. 1B, blurring caused by sudden, inadvertent shifting of the camera housing and thus of target 1 has shifted field 2 on target 1 in the positive x direction. This shift is detected and correspondingly the starting point S of the raster deflection is

shifted by an amount  $+\Delta x$  so that, in spite of the blurring, scanning of target 1 again begins at a point  $S'$ , i.e. at the beginning of the desired field 2.” Platte, col. 2, ll. 29-36 and Fig. 1B.

5. “In FIG. 1C, blurring has caused field 2 on target 1 to be shifted in the negative x direction and in the positive y direction.

Accordingly, a starting point  $S''$  for the raster-type scanning of target 1 is also shifted.” Platte, col. 2, ll. 40-43 and Fig. 1C.

6. “Thus, in all cases the desired field 2 is always scanned beginning at the starting point of the frame independently of the direction and the degree of blurring.” Platte, col. 2, ll. 43-45.

## PRINCIPLES OF LAW

Office personnel must rely on Appellants’ disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980 (Fed. Cir. 1995) (en banc). “[I]nterpreting what is *meant* by a word *in* a claim ‘is not to be confused with adding an extraneous limitation appearing in the specification, which is improper.’” *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 1348, (emphasis in original) (citing *Intervet Am., Inc. v. Kee-Vet Labs., Inc.*, 887 F.2d 1050, 1053 (Fed. Cir. 1989)).

## ANALYSIS

*Rejection of claims 1, 4, 6, 10, and 12 through 15 under 35 U.S.C. § 103(a) over Platte in view of Saburi.*

Appellants’ arguments have not persuaded us that the Examiner erred in rejecting claims 1, 4, 6, 10, and 12 through 15 under 35 U.S.C. § 103(a)

over Platte in view of Saburi. Appellants argue that neither reference teaches “tracking the image and adjusting the camera to maintain a desired framing.” App. Br. 10-11. Appellants additionally argue that Platte discloses detecting relative movement of the camera only and not detecting relative movement between an object and the camera. Reply Br. 5. The Examiner found that Platte does teach the limitations as recited in the claims and not what is argued by Appellants. Ans. 8-9. In addition, the Examiner found that Platte’s desired field 2 within the target 1 is equivalent to the framing required in the claim. Ans. 9. We agree with the Examiner.

Claim 14 recites: “the hand-held device further comprising a processor operative to continuously monitor the detection of relative movement between the hand-held device and the object of interest, due to movement of the user’s hand holding said device.” Thus, claim 14 is monitoring movement caused by the user moving the hand-held device. Claim 14 further recites “said processor being responsive to the detected relative movement for continuously solely electronically adjusting, without use of a motor, at least one setting of the camera so as to continuously maintain a desired framing of the object of interest within an image generated by the camera.” Thus, as the hand-held device is moved, the processor electronically compensates for the movement in order to maintain the image. Platte discloses these claim limitations.

As indicated above, while Appellants argue that Platte does not teach tracking the object, the Examiner finds that this is not what is required by claim 14. Ans. 9. We agree with the Examiner. All that is required by the claim is that relative movement between the device and the object of interest

is monitored and an adjustment is made to provide a stable image. This is precisely what Platte discloses.

Platte teaches a television camera that corrects sudden movements, through the use of an acceleration correction device, in order to prevent blurring of an image. FF 1. In order to do this, “a section of an image is reproduced on a target 1.” FF 2. A desired field 2 is determined and is scanned within the target 1 starting from a starting point S. FF 3. The desired field 2 constitutes the framing required by the claim. When a shift is detected in the camera housing, an electronic adjustment is made to begin scanning the desired field 2 according to the detected shift. FF 4. Therefore, as indicated in Platte, if the camera housing is shifted and the target 1 is moved to the left, then the starting point S of the desired field 2 is moved to the right. FF 4. If the camera housing is shifted and the target 1 is moved down and to the right, then the starting point S of the desired field 2 is moved up and to the left. FF 5. As a result, the desired field 2 is always scanned beginning at the starting point S. FF 6. Therefore, Platte does disclose adjusting for relative movement between the device and the object of interest, as required by claim 14, and we sustain the Examiner’s rejection.

*Rejection of claim 11 under 35 U.S.C. § 103(a) over Platte in view of Saburi and further in view of Vincent.*

Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claims 1, 4, 6, 10, and 12 through 15. Appellants’ arguments that the rejection of these claims is in error for the reasons discussed with respect to claims 1, 4, 6, 10, and 12 through 15 is not persuasive for the reasons discussed *supra* with respect to claims 1, 4, 6, 10,

and 12 through 15. Therefore, we sustain the Examiner's rejection of claim 11.

#### CONCLUSIONS OF LAW

Appellants have not shown the Examiner erred in finding that Platte and Saburi teach detecting relative movement between the hand-held device and the object of interest within a displayed image generated by said camera and continuously electronically adjusting the camera, without use of a motor, in response to the detected relative movement, so as to maintain the desired framing.

#### SUMMARY

The Examiner's rejection of claims 1, 4, 6, and 10 through 15 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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